

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

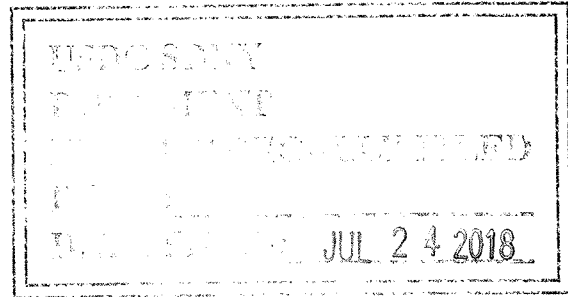
THE PENN MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

KATHY KEHOE, as Trustee of the SICKNESS,
ACCIDENT & DISABILITY INDEMNITY
TRUST 2005; KATHY KEHOE, as Trustee of
the GRIST MILL TRUST DATED 10-1-03;
and UNIVERSITAS EDUCATION LLC,

Defendants.



Case No. 1:15-cv-01111-AJN

LIFE INSURANCE COMPANY OF THE
SOUTHWEST,

Plaintiff,

-against-

KATHY KEHOE, as Trustee of the GRIST
MILL TRUST DATED OCTOBER 1, 2003
And UNIVERSITAS EDUCATION LLC,

Defendants.

Case No. 1:15-cv-04594-AJN

UNOPPOSED STIPULATION
AND ORDER FOR FINAL
DISTRIBUTION OF
INTERPLEADER FUNDS

WHEREAS, effective June 16, 2016, Universitas Education, LLC ("Universitas"), The Grist Mill Trust Dated October 1, 2003 (also known as The Grist Mill Trust Welfare Benefit Plan) (the "Grist Mill Plan"), and Benistar Admin Services, Inc. ("BASI") entered into a Stipulation and Order of Settlement (the "Stipulation") in which quarterly payments in the amount of \$218,105.00 were required to be made by the Grist Mill Plan to Universitas commencing on October 12, 2016 and continuing thereafter on January 11, 2017, April 12, 2017, July 12, 2017, October 11, 2017, January 10, 2018, April 11, 2018 and July 11, 2018, which payments were guaranteed by BASI; and

WHEREAS, the Stipulation also provided that, ten days after each quarterly payment was made to Universitas, an amount equal to the quarterly payment, i.e. \$218,105.00, would be distributed from the interpleader funds on deposit with the Court in the instant action, such distribution to be made to the Grist Mill Plan or its designee, R. Aaron Seehawer; and

WHEREAS, the Stipulation also provided that upon payment of the full settlement amount to Universitas, all funds remaining on deposit with the Court shall be distributed to the Grist Mill Plan or its designee, R. Aaron Seehawer; and

WHEREAS, Universitas and the Grist Mill Plan hereby stipulate that the quarterly payment due to Universitas on July 11, 2018 was made and was received by Universitas and this constitutes the final payment due under the settlement agreement;

NOW THEREFORE, Universitas and the Grist Mill Plan jointly request that the Court issue an order directing the Clerk of the Court to distribute the remainder of the interpleader funds on deposit with the Court¹ and the Grist Mill Plan requests that such distribution be made by check payable to "R. Aaron Seehawer, Trustee of the B.A. Fisher Sales Trusted Cross Purchase Agreement and Trustee of the TBM, Inc. Trusted Cross Purchase Agreement," and that the check be mailed directly to counsel for Mr. Seehawer – Bradley J. Dixon, Esq., Givens Pursley LLP, 601 W Bannock St, Boise, ID 83702.

¹ The Clerk's Office has informed counsel for defendant Kehoe that the remaining fund balance for the two consolidated cases as of July 12, 2018 is approximately \$256,000.

HALLORAN & SAGE LLP

By: 

Dan E. LaBelle, Esq. DL2779

*Attorneys for Kathy Kehoe, Trustee of
the Grist Mill Trust*

315 Post Road

Westport, CT 06880

Tel: (203) 222-4304

LOEB & LOEB LLP

By: 

Paula K. Colbath, Esq. PC9895

Attorneys for Universitas Education, LLC

345 Park Avenue

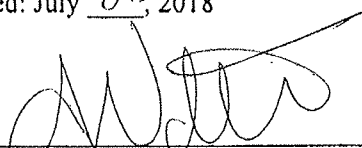
New York, NY 10154

Tel: (212) 407-4905

SO ORDERED:

The Clerk of the Court is directed to distribute the entire remaining balance from the interpleader funds on deposit in the instant action in accordance with the annexed Stipulation.

Dated: July 23, 2018



HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE